



Tajikistan

Country Reports on Human Rights Practices - [2001](#)

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Tajikistan is ruled by an authoritarian regime that has established some nominally democratic institutions. President Emomali Rahmonov and an inner circle of fellow natives of the Kulyab region continued to dominate the Government; however, Rahmonov's narrow base of support somewhat limited his control of the entire territory of the country. Rahmonov won reelection in a 1999 election that was flawed seriously and was neither free nor fair. As a result of 1997 peace accords that ended the civil war, some former opposition figures continued to hold seats in the Government. Rahmonov's supporters overwhelmingly won the February 2000 parliamentary elections that were neither free nor fair, but did allow several opposition parties to participate, one of which won two seats in parliament. Parliamentary by-elections held throughout the country in May were flawed. Although the Constitution was adopted in 1994 and amended in 1999, political decisionmaking at times took the form of power plays among the various factions in the Government. The legacy of the civil war continued to affect the Government, which still faced the problems of demobilizing and reintegrating former opposition troops and maintaining law and order while rival armed factions competed for power. The Constitution provides for an independent judiciary; however, it is not independent in practice.

The Ministries of Interior, Security, and Defense share responsibility for internal security, although in practice the Government relies on a handful of commanders who use their forces almost as private armies. Some regions of the country remained effectively outside the Government's control, and government control in other areas existed only by day, or at the sufferance of local former opposition commanders. The soldiers of some of these commanders are involved in crime and corruption. The Russian Army's 201st Motorized Rifle Division, part of a Commonwealth of Independent States (CIS) peacekeeping force established in 1993, remained in the country and continued to have a major influence on political developments; however, the division transitioned into a new status on a permanent military base after the peacekeeping mandate ended in September 2000. Members of the government security forces and government-aligned militias committed serious human rights abuses.

The country has a total population of approximately 6.4 million. The economy is a state-controlled system in the process of a difficult transition to a market-based system. Most of the work force is engaged in agriculture, part of which remained collectivized. Government revenue depends highly on state-controlled cotton production. The small industrial sector is dominated overwhelmingly by aluminum production (another critical source of government revenue). Most Soviet-era factories operated at a minimal level, if at all. Small-scale privatization was more than 80 percent complete, but the level of medium to large scale privatization was much lower (approximately 16 percent) with the heavy industry, wholesale trade, and transport sectors remaining largely under state control. Many, but not all, wages and pensions are paid. The country is poor, with a per capita gross national product of approximately \$290 (754 somoni), according to World Bank data. According to the International Monetary Fund (IMF), GDP grew 12 percent in the first 9 months of the year, with an estimated growth of 10 percent for the entire year. The IMF estimated GDP growth at 8.3 percent in 2000. The failure of the Soviet economic system has been accompanied by a rise in narcotics trafficking and other forms of corruption. This development has led to clear disparities of income between the vast majority of the population and a small number of former progovernment and opposition warlords, who control many of the legal and most of the criminal sectors of the economy. Official unemployment was estimated at approximately 10 percent; however, "hidden" employment is considered widely to be approximately 40 percent.

The Government's human rights record remained poor, and the Government continued to commit serious abuses. The February 2000 parliamentary elections represented an improvement in the citizens' right to change their Government; however, this right remained restricted. Some members of the security forces committed extrajudicial killings. There were a number of disappearances and kidnappings. Security forces at times tortured, beat, and abused detainees and other persons. These forces also were responsible for threats,

extortion, looting, and abuse of civilians. Certain battalions of nominally government forces operated quasi-independently under their leaders. The Government continued to use arbitrary arrest and detention and also arrested persons for political reasons. Impunity remained a problem, and the Government prosecuted few of the persons who committed these abuses. Prison conditions remained harsh and life threatening. Lengthy pretrial detention remained a problem. The judiciary is subject to political and paramilitary pressure and there often are long delays before trials. The authorities infringed on citizens' right to privacy. The Government continued to restrict severely freedom of speech and the press and exercised controls over the electronic media. Journalists practiced self-censorship. The Government restricted freedom of assembly and association by exercising strict control over political organizations. A number of parliamentary candidates were prevented from registering for the elections. There were some restrictions on freedom of religion and on freedom of movement. Violence and discrimination against women was a problem, as is discrimination against persons with disabilities and religious and ethnic minorities. Child labor was a problem. There were some instances of forced labor, including children. Trafficking in women and children was a serious problem.

Some former opposition troops committed serious abuses, including killings and abductions. There were credible reports that paramilitary units threatened, extorted, and abused the civilian population.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life:

There were reports of arbitrary or unlawful deprivations of life committed by the Government and its agents; however, it was difficult to estimate the total number of such killings or to attribute responsibility in many cases. Some killings were committed by competing government factions for both political and economic motives. A series of killings of high-level officials during the year were suspected widely to be the result of government infighting, organized crime, or narcotics trafficking. Government officials are rarely if ever, held accountable for such crimes, although other suspects may be tried and convicted in some cases.

In June, July, and August, the Government conducted a major military operation directed against former opposition warlord Rahmon "Hitler" Sanginov and his paramilitary forces. Local and international NGO's and the press reported that indiscriminate fire by government troops may have killed or injured approximately 80 civilians. The Government acknowledged the deaths of 6 civilians in the operation, in addition to at least 60 militia members, including Saginov and former United Tajik Opposition (UTO) commanders Mansur Muakkalov and Safar Podabonov. The Government commander of the operation subsequently was removed from his post.

There were reports of a number of deaths in custody; however, statistics were unavailable. It was unclear at year's end whether these deaths were the result of mistreatment by police and prison authorities, or due to poor conditions in the prisons.

Harsh prison conditions and lack of food and adequate medical treatment resulted in a significant number of deaths of prisoners while in custody (see Section 1.c.).

In September during the 10th anniversary independence celebration, an apparent suicide bombing at the sports stadium hosting the closing ceremonies killed a Tajik soldier and injured a woman. An investigation into the bombing found that the soldier who died was the bomber; the motive was unclear.

Both the Government and the opposition used landmines during the civil war. Landmine explosions in some unmarked mine fields in the Karetegin Valley reportedly killed civilians during the year. Landmines were laid along the northern segment of the border with Uzbekistan, which included some populated areas and is not demarcated clearly in most places. The Government of Uzbekistan claimed that it laid the mines as part of a counterinsurgency campaign. According to press reports, a total of 32 persons were killed by landmine explosions during the year throughout the country; however, the State Border Protection committee announced that there were only 15 deaths and 24 injuries from landmine explosions along the border during the year.

A number of local officials, businessmen, and professional figures were killed during the year, for a variety of political, economic, and ethnic reasons. In April three policemen were found dead several days after they were taken hostage by an unknown group of armed men in Dushanbe. According to police the motive of the killings was unclear and an investigation was ongoing at year's end.

In May First Deputy Minister of the Interior Habib Sanginov and Sobirjon Begijonov, Chairman of the

Jabboraslov District of the Sughd Region were killed in separate attacks. In July Karim Yuldoshev, President Rahmonov's Advisor on International Affairs, was killed. In September unknown persons killed Minister of Culture, Abdurahim Rahimov. There were numerous arrests in the murder of Habib Sanginov and other cases, but no suspects were named formally. International observers questioned the competence of the investigators and their independence from official interference. In May two men from the Gorno-Badakhshan Autonomous Oblast were tried and sentenced to be executed for the killing of former Deputy Minister of Security, Shamsullo Tobirov, in a February 2000 attack apparently directed at the Mayor of Dushanbe; the two men had not been executed pending an appeal at year's end.

There were no developments in some political killings from past years including: The 2000 killing of Sirojiddin "Sergei" Davlatov, Chairman of the Gharm District and a former Deputy opposition field commander; the 2000 killing of the Chairman of the State Radio and Television Committee, Saif Rahimov (Rahimzoda), the 2000 killing of Khovar State Information Agency correspondent Aleksandr Olpatov; the 1999 killing of Tolib Bobev an official of the Popular Unity Party, or the 1999 killing of Jumakhona Khotami, Ministry of Interior press center chief.

The Government Drug Control Agency reported instances in which Tajik border guards were killed on the Afghanistan border in gun battles with narcotics traffickers. International observers and Russian and Tajik Boarder forces also alleged that Tajik and Afghan criminal groups engaged in narcotics smuggling across the border killed members of the border area populations.

In April a bombing at a Dushanbe market killed 3 persons and injured 11 others; the bombing was believed to be connected to a dispute between Afghan organized crime groups.

On April 26, three children were killed and five were wounded in the eastern part of the country after an antitank grenade was thrown over a fence into the yard where they were playing. Police created a special unit to investigate the incident and found that the property owner was the intended target, not the children.

In August two students from the Islamic Institute of Dushanbe were convicted and executed for the October 2000 bombing of a Dushanbe Protestant church that killed seven persons (see Section 5).

There were no developments in identifying the individual or group responsible for an incident in February 2000 in which a landmine brought on board a public bus on the outskirts of Dushanbe killed at least five passengers; an investigation was ongoing at year's end.

The bodyguard of the First Deputy Prime Minister was sentenced in connection with the 1997 killing of a Russian border guard colonel. The charges appeared to be politically motivated (See Sections 1.b, 1.d, and 1.e). In October, two suspects, one a district-level government official, were arrested in connection with the 1996 killing of Russian journalist Viktor Nikulin (see Section 2.a.).

b. Disappearance

During the year, there were no reports of politically motivated disappearances; however, there were numerous kidnappings.

Security forces appear to have been responsible for the October 2000 abduction of the driver and bodyguard of First Deputy Prime Minister Akbar Turajonzoda, who later appeared in police custody.

The taking of hostages for revenge or for bargaining purposes remained a common occurrence. In June paramilitaries commanded by Rahmon "Hitler" Sanginov took at least 12 Dushanbe militiamen hostage in protest against the arrest of Mukhtor Jalilov, Turajonzoda's bodyguard, and other former opposition members in connection with the killing of Deputy Minister Habib Sanginov, who is not related to Rahmon Sanginov (see Section 1.a.). The militiamen were released by August after a government operation to eliminate "Hitler" Sanginov's group (See Section 1.a.).

Also in June, a second group of former UTO fighters in Tavildara took hostage 15 humanitarian aid workers including 4 foreigners, also in response to arrests in the Habib Sanginov investigation. The hostages were released 2 days after negotiations by the Minister of Emergency Situation, Mirzo Ziyoev.

Political pressures, the central Government's lack of control over violently competitive factions within and outside the Government, and a lack of professional resources hamper police efforts to investigate disappearances. For example, there were no developments in the February 2000 abduction and later release

of the sister of Deputy Prime Minister Nigina Sharapovna, or the September 2000 disappearance of the ethnic Uzbek mayor of a town in Khatlon District.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits torture; however, the Government uses it in practice. Security officials, particularly those in the Ministry of Interior, regularly beat detainees in custody and used systematic beatings to extort confessions. Impunity remained a serious problem, and the Government has prosecuted few of the persons who have committed these abuses. Unlike in the previous year, there were no public allegations that security forces mistreated or beat members of opposition parties or their relatives. The Government has acknowledged that the security forces are corrupt, and that most citizens choose to keep silent when subjected to mistreatment rather than risk retaliation by the police.

In the southern regions of the country, many border guards are involved in the drug trade, and the local population has made numerous complaints of harassment and abuses committed by them. During the year, there were reports of widespread invasive and degrading searches by border guards throughout 2000, particularly with regard to women. Women departing and entering the country commonly were subjected to strip searches including the examination of sexual organs with the objective of preventing narcotics trafficking.

Law enforcement authorities mistreated members of the country's Afghan refugee population--at times regardless of their social status or official connections. During the year, there were widespread claims of petty harassment of Afghan refugees; however, unlike in the previous year, there were no public claims of torture or beatings of Afghan refugees. There were no developments in the case of a prominent Afghan refugee who credibly claimed that Ministry of Interior officers beat him in 2000 in retaliation for previous claims of abuse (see Section 2.d.).

Law enforcement authorities (or armed individuals dressed as, and claiming to be law enforcement authorities) at times beat journalists (see Section 2.a.).

There were reports that Government officials facilitated trafficking (see Section 6.f.).

International NGO's and media reports stated that during military operations in the summer against "Hitler" Sanginov's paramilitary group, government forces employed excessive force against and abused civilian populations; their actions included killings, beatings, and looting (see Section 1.a.).

There were a number of shootings, bombings, and terrorist attacks that resulted in nonlethal injuries and serious property damage as well as deaths (see Section 1.a.). It is suspected that groups who have not accepted the peace process (i.e., organized crime groups, narcotics traffickers, or opposition groups) were responsible for these attacks.

According to credible counternarcotics law enforcement authorities in the central Government, Tajik and Afghan criminal groups engaged in narcotics smuggling across the country's border with Afghanistan and threatened, harassed, and committed abuses against the border area populations (see Section 1.a.).

Prison conditions remained harsh and life threatening. There are seven prisons in the country, which are administered by the Ministry of Justice. Prisons generally were overcrowded, unsanitary, and disease-ridden, which produced a serious health threat. This problem reflected in part the self-funded status of most prisons, under which, before 1992, prisoners grew much of their own food or made goods for sale. The general collapse of governmental programs and of the economy led to the virtual disappearance of such programs. Some food production has resumed, but it remained inadequate and some prisoners died of hunger. Family members were allowed access to prisoners only after a guilty verdict, in accordance with the law. Men and women are housed separately; there is one women's prison. There is one prison specifically for members of "power ministries" (police, KGB, military personnel). Pretrial detainees are held separately from those convicted. Juveniles are held in separate juvenile reform facilities.

In August the Government issued a decree providing amnesty to more than 19,000 prisoners, primarily the sick and the old, and those convicted of minor narcotics trafficking offenses; however, the actual release of prisoners was inconsistent. Allegedly many of those covered by the amnesty continued to be held while prison guards awaited bribes from the prisoners' families. According to local press reports, in December approximately 1,500 prisoners had been released and another 200 had their sentences shortened in the northern Sughd Oblast.

The Government made public statements recognizing the harsh prison conditions, and in May conducted a

seminar with international organizations focused on improving prison conditions.

The Government does permit some prison visits by international human rights monitors; for example, there was a 2000 OSCE visit during which the OSCE found the conditions to be very poor. However, the Government has denied requests by the International Committee of the Red Cross (ICRC) to make prison visits in a manner consistent with the ICRC's standard modalities.

d. Arbitrary Arrest, Detention, or Exile

The Government continued to arrest and detain citizens arbitrarily. The Criminal Code has not been amended significantly since independence, and it retains many of the defects inherited from Soviet times. For example, the system allows for lengthy pretrial detention and provides few checks on the power of procurators and police to arrest persons.

Police legally may detain persons without a warrant for a period of 72 hours, and the procurator's office may do so for a period of 10 days, after which the accused must be charged officially. At that point, the Criminal Code permits pretrial detention for up to 15 months. The first 3 months of detention are at the discretion of the local procurator, the second 3 months must be approved at the regional level, and the Procurator General must sanction the remaining time in detention. The Criminal Code specifies that all investigations must be completed 1 month before the 15-month maximum in order to allow time for the defense to examine government evidence. There is no requirement for judicial approval or for a preliminary judicial hearing on the charge or detention. In criminal cases, detainees may be released and restricted to their place of residence pending trial. There is no provision for bail, and lengthy pretrial detention was a problem.

In most cases, the security officers, principally personnel from the Ministry of Internal Affairs or the Ministry of Security, do not obtain arrest warrants and do not bring charges. Those released sometimes claimed that they were mistreated and beaten during detention (see Section 1.c.).

The Government made politically motivated arrests, and there were credible allegations of cases of illegal government detention of members of rival political factions. For example, in October 2000 police detained the bodyguard and the former driver of First Deputy Prime Minister Akbar Turajonzoda, apparently as part of a campaign of intimidation by other elements of the Government against Turajonzoda (see Section 1.e.).

The number of political detainees was not clear. Since the law precludes visits to persons in pretrial detention, and the Government denies the ICRC or other observers access to these persons, estimates are uncertain.

According to the Ministry of Security, more than 105 members of Hizb ut-Tahrir were arrested during the year (see Section 2.c.).

Human Rights Watch reported that by December 1999, the Government had granted amnesty to approximately 5,000 United Tajik Opposition (UTO) fighters. There were reports in 2000 of several UTO fighters in the Gorno-Badakhshan Autonomous Oblast being arrested by local authorities despite this amnesty. The families of these fighters have called for their release, and the leader of the Lal-I Badakhshan movement was pursuing their case. According to press reports, in August an amnesty decree to mark the country's independence celebrations resulted in the suspension of a number of criminal prosecutions in the Oblast.

Unlike in the previous year, there were no reports that Border Force units detained family members of deserters and held them until the deserters returned to duty (see Section 1.f.).

The Constitution states that no one can be exiled without a legal basis, and no laws establish a legal basis for exile. There were no reports of forced exile; however, some opponents of the Government remained in self-imposed exile. In September Oleg Panfilov, the head of the Center for Journalism in Extreme Situations, who has been in self imposed exile since 1997, returned to the country for a visit at the invitation of President Rahmonov. He reported positively on his visit; but returned to self-imposed exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice judges do not function independently of the executive branch and the judicial system is subject to the influence of executive authorities. In many instances, armed paramilitary groups directly influence judicial officials at all levels. Public order, which broke down during the civil war, has yet to be restored fully, and the virtual immunity from

prosecution of armed militia groups has eroded further the integrity of the legal system.

Under the Constitution, the President has the right, with confirmation by the Parliament, both to appoint and to dismiss judges and prosecutors. Judges at the local, regional, and national level for the most part are poorly trained and lack understanding of the concept of an independent judiciary. The Government made some progress in this respect by instituting regular examinations to screen unqualified candidates for judgeships, which continued during the year. Judges at all levels have extremely poor access to legal reference materials. Bribery of prosecutors and judges appeared to be a common practice.

The court system, largely unmodified from the Soviet period, includes city, district, regional, and national levels, with a parallel military court system. Higher courts serve as appellate courts for the lower ones. The Constitution establishes additional courts, including the Constitutional Court.

Military courts only try civilians in extremely rare circumstances, such as when a crime is committed by both a serviceman and a civilian. A military judge and two officers drawn from the service ranks, instead of a jury hear such cases.

According to the law, trials are public, except in cases involving national security or the protection of minors. Once a case is entered for trial, the law states that it must be brought before a judge within 28 days; however, it is common for cases to be delayed for many months before trial begins (see Section 1.d.). The court appoints an attorney for those who do not have one. Defendants may choose their own attorney but may not necessarily choose among court-appointed defenders. However, in practice arrested persons often were denied prompt, and in some cases any, access to an attorney.

The procurator's office is responsible for conducting all investigations of alleged criminal conduct. According to the law, both defendant and counsel have the right to review all government evidence, to confront witnesses, and to present evidence and testimony. No groups are barred from testifying, and all testimony theoretically is given equal consideration, regardless of the ethnicity or gender of the witness. Ministry of Justice officials maintain that defendants benefit from the presumption of innocence, despite the unmodified Soviet legal statute that presumes the guilt of all persons brought to trial. However, in practice, bringing charges tends to suggest guilt.

In August Mokhtar Jalilov, the chief bodyguard of First Deputy Prime Minister Akbar Turajonzoda was tried for the 1997 murder of a Russian border guard colonel. The trial was believed widely to be an indirect attack on Turajonzoda by his political opponents. The evidence presented against Jalilov was poor, and numerous witnesses supported the defense's alibi. Jalilov was sentenced to 5 years in prison as a "witness" to the crime.

The obstacles to ensuring fair public trials were evident in the 2000 murder trial of Dilduza Nimonova, a woman accused of murdering the man who raped her. The OSCE mission observed the trial and reported that there were numerous inconsistencies and violations of internationally accepted legal principles during the trial (see Section 1.c.). There were reports that Nimonova's lawyer was denied access to his client, and that the politically well-connected family of the victim pressured the judges hearing the case. In 2000 Nimonova was sentenced to death, although the Government later commuted her sentence to 16 years in prison after President Rahmonov received international appeals to intervene in the matter.

With the exception of the Jalilov case, there were no other new public allegations that the Government holds political prisoners.

The Government and the UTO exchanged multiple lists of prisoners of war and political prisoners for exchange as a result of the 1997 inter-Tajik talks in Moscow. By November 1999, the Government had released all UTO prisoners named on lists submitted by the UTO, with the exception of six individuals, of whom the Government claimed no knowledge. The families of the six individuals continued to seek their whereabouts without success. In 1998 the Government accepted the UTO's claim that it had released all of the prisoners of war that it held.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the home and prohibits interference with correspondence, telephone conversations, and postal and communication rights, except "in cases prescribed by law"; however, the authorities continued to infringe on citizens' right to privacy. Except for special circumstances, by law police may not enter and search a private home without the approval of the procurator. When they do enter and search without prior approval, they then must inform the procurator within 24 hours. However, police frequently ignored these requirements. There is no independent judicial review of police searches conducted

without a warrant. Police also are permitted to enter and search homes without permission if they have compelling reason to believe that a delay in obtaining a warrant would impair national security.

Unlike in the previous year, there were no reports that security forces detained relatives of deserters in order to compel deserters to return to duty. According to the OSCE mission, during 2000 police harassed the family of Dilfuza Nimonova at the behest of her alleged murder victim's politically well-connected family after Nimonova's family sought international intervention in her case (see Section 1.e.). There also was strong evidence that Nimonova, a rape victim, was forced to undergo an abortion while in prison.

In some cases, the security services reportedly created difficulties for persons associated with opposition parties who sought employment. Unlike in the previous year, there were no reports that persons were pressured to join the ruling party (see Section 2.b.).

NGO's and media reports stated that during military operation in the summer against "Hitler" Sanginov's paramilitary group, Government looted civilian property (see Sections 1.a. and 1.c.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, the Government severely restricts this right in practice. Journalists, broadcasters, and individual citizens who disagree with government policies were discouraged from speaking freely or critically. The Government exercised control over the media both overtly through legislation and indirectly through such mechanisms as "friendly advice" to reporters on what news should not be covered. The Government also controls the printing presses and the supply of newsprint and broadcasting facilities and subsidizes virtually all publications and productions. Editors and journalists, fearful of reprisals, exercised self-censorship.

The number of independent and local newspapers continued to increase during the year. Although only a small number of newspapers attempt to cover serious news, there were several new newspapers that focused on news and analysis. Several newspapers are organs of political parties or blocs.

The Government exerted pressure on newspapers critical of it. Najot, the official newspaper of the Islamic Renaissance Party, continued to publish during the year, although it experienced indirect government censorship in 2000, apparently in retaliation for publishing a serialized translation of a foreign human rights report critical of the Government. During 2000 the newspaper lost its access to state-run printing presses and was forced to rely on a small, privately owned printing press to publish its editions.

There is one government-run television network; its several local stations cover regional and local issues from an official point of view. Opposition politicians have had little access to it; although for the second consecutive year, it broadcast a series of political party debates organized by the International Foundation for Electoral Systems. There are 36 nongovernmental television stations, not all of which are operating at any one time and only a handful of which can be considered genuinely independent. Some of these independent stations have independent studio facilities. An independent station in Khojand broadcast a series of political party debates sponsored by the OSCE's Khojand office. The Islamic Renaissance Party broadcast a weekly television program on another independent station; however, the program closed broadcasting during the summer due to internal management disputes. Although the Government permits a daily Uzbek radio broadcast, broadcast time is dominated by Tajik and Russian language programs; however, there is a weekly television broadcast.

Independent stations continued to experience administrative and legal harassment. To obtain licenses, independent television stations must work through two government agencies, the Ministry of Communications, and the State Committee on Radio and Television. At every stage of the bureaucratic process, there are high official and unofficial fees. The process of obtaining licenses can take anywhere from months to years. Those who are denied licenses are allowed to reapply; however, there is no formal appeals process. The Government continued to prevent independent radio stations from operating by interminably delaying applications for broadcasting licenses. At least two independent radio stations in Dushanbe have had their license applications pending without explanation since 1998.

Journalists frequently are subject to harassment, intimidation, and violence. At times the perpetrators are government authorities. In July Russian authorities acting at the request of the Tajik government detained Tajik dissident journalist Dodjin Atovulloev in Moscow. The Government requested Atovulloev's extradition to Tajikistan on unspecified grounds, although it was reported widely that this was in retaliation for the journalist's previous outspoken criticism of the government. After pressure by domestic and international NGO's as well

as foreign governments, Atlovulloev was released and allowed to return to his home in Germany later that month.

In October the authorities arrested Ahtam Tohirov, Deputy Chairman of the Tax Committee of the Kofarnihon District, and a second man as suspects in the 1996 killing of Russian journalist Viktor Nikulin (see Section 1.b.).

There were no developments in the 2000 case of a reporter for the state-owned newspaper Jumhuriyat who was seized and severely beaten by Dushanbe militiamen.

In September a prominent journalist in self-imposed exile returned for a visit to the country at the invitation of President Rahminov; he participated in a forum on independent media (see Section 1.d.).

In other cases, perpetrators of violence against journalists were criminals or terrorists who are believed to have narcotics trafficking connections, as in the cases of Ministry of Interior press center chief Jumankhon Hotami, who was shot and killed near Dushanbe in 1999, and Sergei Sitkovskii, a Russian national working for the newspaper Tojikiston, who also was killed in 1999. Both were investigating narcotics trafficking at the time of their deaths. There were no developments in their cases by year's end.

Access to the Internet is limited partly by state control. There is one Internet service provider that is wholly state-owned and four private providers. The Government allowed a handful of Internet provider companies to begin operating during the year, but high fees and limited capacity meant that access to information over the Internet was out of the reach for most citizens.

Academic expression is limited principally by the complete reliance of scientific institutes upon government funding.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly; however, the Government restricts this right in practice and exercises strict control over organizations and activities of a political nature. Nonpolitical associations, such as trade unions, are allowed to meet (see Section 6.a.). Registered organizations must apply for a permit from the local executive committee in order to organize legally any public assembly or demonstration. At times permits are granted, but the Government subsequently has been known to take reprisals against organizers. Fear of reprisal is so widespread that public assemblies or demonstrations of a political nature were rare during the year. In May local authorities in Kuylab prevented the Opposition Islamic Revival Party from holding a meeting and briefly detained two party members.

The Constitution provides for freedom of association; however, the Government restricts this right in practice by exercising strict control over organizations and activities of a political nature. Although freedom of association is permitted for nonpolitical associations (including trade unions), this right is circumscribed further by the requirement in the Law on Nongovernmental Associations that all organizations first must register with the Ministry of Justice. This process often is slowed by the requirement to submit documents in both Russian and Tajik. The Ministry of Justice's verification of the text inevitably delays the granting of registration. The Minister of Justice has made public statements in support of NGO's (most of which are involved in social work, rather than political activity), and has attempted to address problems that existing NGO's have experienced with registration and taxation.

Parties of religious character are permitted to register; one such party, the Islamic Renaissance Party, has done so.

There are five political parties and five "movements" registered with the Government. In January the Supreme Court banned the "Adolatkhoh" (Justice) Party on the grounds of insufficient membership, although party officials alleged that the ruling was a result of criticism of the Government's economic policy. Three other parties are banned officially: The Party of Popular Unity (banned in 1998), the Agrarian Party (banned in April 1999), and the "Tehran platform" faction of the Democratic Party (banned in 1999). The Party of Economic and Political Revival of Tajikistan was not allowed to register in 1999 because of insufficient membership. The Party of Justice and Progress has not been allowed to register since the end of 1999 for unexplained reasons. In 2000 the party changed its name to "The Social and Democratic Party," and attempted to register again with the Government; however, the Government denied the party's registration for unexplained reasons four times during the year. A 1998 law prohibits political parties from receiving support from religious institutions.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice; however, there were some restrictions, and the Government monitors the activities of religious institutions to keep them from becoming overly political. Members of the organization Hizb ut-Tahrir, who overstep this boundary, were subject to arrest and imprisonment for subversion. There is no state religion. President Rahmonov defends secularism aggressively and describes Islamists as a threat to national security.

According to the Law on Freedom of Faith, the Committee on Religious Affairs under the Council of Ministers registers religious communities and monitors the activities of the various religious establishments. While the official reason given to justify registration is to ensure that religious groups act in accordance with the law, the practical purpose is to ensure that they do not become overly political. There were several reports during the year that local authorities in various cities denied registration to Christian churches. For example, in the spring, there were reports that local authorities in the city of Qurghanteppa (also, Kurgan-Tyube) prevented a Christian church from registering. The church was not registered by year's end; however, it continued its operations. It was reported also that authorities closed a number of unregistered mosques throughout the country; for example, during the summer, unregistered mosques in Khatlon and Sughd were closed, and during Ramadan unregistered Mosques were closed in Dushanbe, Khatalon, and Sughd.

In 2000 an unregistered Baptist congregation in Dushanbe was informed that it was required to register with the Government, but the Baptists refused on the grounds that they are a branch of the larger All-Baptist Churches, an organization of Baptist churches from throughout the former Soviet Union. Proceedings began against the Baptist congregation in March 2000, and the court fined the congregation a little more than 50 cents (1,000 Tajik rubles). The congregation refused to pay as a matter of principle. There have been some instances of petty harassment of the congregation, with the militia on at least one occasion taking down the sign outside the congregation's building; however, members of the congregation reported that they had no problems with local authorities during the year.

Government policies reflect a pervasive fear of Islamic fundamentalism. The Government has banned specifically the activity of Hizb ut-Tahrir, an Islamist movement with origins in the Middle East, which has developed a significant following among the ethnic Uzbek population in the north. This movement operates underground and apparently calls for a nonviolent overthrow of established authority and the reestablishment of government along the lines of the six "rightly-guided Caliphs" of early Islamic history. According to the Ministry of Security, more than 105 members of Hizb ut-Tahrir were arrested during the year. More than half of these persons were sentenced to between 1 and 2 years imprisonment. In October a court convicted two members of the Islamic Renaissance Party in a trial with members of the banned Hizb Ut-Tahrir Movement, but were granted immediate amnesties (see Section 2.c.). In 2000 one Hizb ut-Tahrir member reportedly died in police custody (see Section 1.a.).

Government imposed restrictions on the number of pilgrims allowed to undertake the Hajj continued; there were regional quotas on the number of pilgrims permitted to undertake the Hajj, which led to increased corruption as places were sold. The motivation for quotas and other restrictions appears to be profit (maximizing bribes from Hajj pilgrims), rather than discouraging a religious practice. Individuals ultimately were permitted to use private vehicles to travel to Mecca. In addition pilgrims were allowed to travel to Mecca and Medina by bus from Mashhad, Iran. In May, local authorities in Kuylab prevented the Opposition Islamic Revival Party from holding a meeting and briefly detained two party members.

Government officials at times restricted other religious activities by Muslims as well. For example, the mayor of Dushanbe has prohibited mosques from using microphones for the five daily calls to prayer. During the year, similar restrictions were initiated in the regions of Khatlon and Soghd. There also were reports that some local officials have forbidden members of the IRP from speaking in mosques in their region. These restrictions reportedly are more a reflection of political than religious differences. Government printing houses reportedly are forbidden to publish texts in Arabic and as a rule do not publish religious literature. There are no longer restrictions on private Arabic language schools; however, restrictions on home-based Islamic instruction remained in place. These restrictions reportedly were based on political concerns, but have affected religious instruction. Missionaries are not restricted legally and proselytize openly; however, the Government's fear of Islamic terrorists prompts it to restrict visas for Muslim missionaries.

Members of the Baha'i community occasionally were confronted by the police guard outside Dushanbe's Baha'i Center and asked why they had forsaken Islam. Others were called in by the Ministry of Security and also asked why they had changed religious affiliation.

A 1999 constitutional amendment states that the State is secular and that citizens can be members of parties formed on a religious basis. Two representatives from the IRP sit in the lower house of the national Parliament.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights; however, the Government imposed some restrictions on them. The Government has stipulated that both citizens and foreigners are prohibited from traveling within a 15-mile zone along the country's borders with China and Afghanistan without permission from the Ministry of Foreign Affairs. This restriction is not always enforced along the western part of the border with Afghanistan, but a special visa generally is required for travelers, including international workers and diplomats, to Gorno-Badakhshan. Travel to border areas near Uzbekistan in the southwest is not restricted significantly, except occasionally at the border, which was closed intermittently by Uzbekistan during the year. In November the Ministry of Security announced that diplomats and international aid workers could travel to the Afghanistan border region without prior authorizations, although notice to the Ministry of Security was required 48 hours before a trip.

Early in the year, there were reports that during 2000 border guards in the Northern regions routinely subjected travelers to degrading searches for narcotics, particularly in the case of women (see Section 1.c.).

Residents of Dushanbe and those travelers who wish to remain in the city longer than 3 days are required to register with central authorities, and regulations require registration at the local Ministry of Interior office upon arrival and departure from a city. However, these regulations largely were ignored in practice. There are no legal restrictions on changing residence or workplace.

The Ministry of Security inhibits freedom of travel by requiring citizens who wish to travel abroad to obtain an exit visa. At times the process includes lengthy interviews. An exit visa costs approximately \$6 (15.6 Somoni). The Ministry of Security at times withheld or delayed exit visas when it believed that other ministries or NGO's were infringing upon its jurisdiction and had not adhered to its formalities for foreign travel.

There is no law on emigration. Persons who wish to migrate within the former Soviet Union must notify the Ministry of Interior prior to their departure. Persons who wish to emigrate beyond the borders of the former Soviet Union must receive the approval of the relevant country's embassy in order to obtain their passport and must receive an exit visa. Persons who settle abroad are required to inform the Tajikistan Embassy or Tajikistan interests section of the nearest Russian Embassy or consulate.

Persons who wish to return to the country after having emigrated may do so freely by submitting their applications to the Embassy of Tajikistan or Tajikistan interests section of the nearest Russian Embassy or consulate. The Government adjudicates requests on a case-by-case basis. There is no indication that persons, other than those who fled the country for political reasons after the civil war, are not permitted to return freely. Some persons active with the Tajik opposition, whose travel documents expired, at times have had difficulty obtaining new documents permitting them to return. In March some Tajik citizens who fled the country during the civil war (as well as economic migrants who left after the war) initially were denied entry after their deportation from Uzbekistan; all were eventually readmitted after their Tajik citizenship had been determined.

A number of persons remain displaced internally as a result of the civil war, but their total number was difficult to estimate. The U.N. High Commissioner for Refugees (UNHCR) no longer has estimates on the number of internally displaced persons (IDP's). These persons live throughout the country and are not concentrated in a single geographic area. The Government provided protection and modest assistance, and it actively cooperated with international organizations to resettle them. Resettlement was voluntary; IDP's were not returned forcibly to dangerous conditions.

Following the signing of the 1997 peace accords, all Tajik refugees from northern Afghanistan who wished to return to Tajikistan, as well as thousands from the former Soviet Union, returned to the country. There was continued incremental progress during the year in returning occupied houses to their original UTO fighter owners (approximately 15,000 to 16,000 persons). However, problems remained, including a small number of disputes regarding houses that were sold by departing fighters who since have attempted to reclaim their homes.

The Constitution provides for the granting of asylee and refugee status in accordance with 1951 U.N. Convention and its 1967 Protocol. Under the law, a person granted refugee status is provided with the right to work and to move freely throughout the country. The State Migration Service under the Ministry of Labor has responsibility for the registration of refugees. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees. According to the UNHCR, 720 asylum seekers submitted requests for refugee status to the State Migration Service during the year, of which 143 were granted temporary refugee status. However, the UNHCR does not have statistics on the number of refugees remaining in the country after receiving asylum because the majority of such persons use the country as a

transit point en route to other European countries.

The Government continued to face the problem of several hundred dependent family members and camp followers of Islamic Movement of Uzbekistan militants. During the year, several hundred of these persons were sent in buses to Afghanistan. The Government did not consider them for refugee status and officially refused to acknowledge the presence of these persons.

The Government does not provide specifically for first asylum. During the year, it issued "temporary" refugee status to 143 persons. Throughout the year, it remained unclear whether the Government would admit a potential mass influx of refugees fleeing fighting in Afghanistan; Government and Russian border guard officials made contradictory statements regarding this issue. The Government closed its border with Afghanistan in 2000. In November 2000, a large group of displaced Afghans took up residence on islands in the Pyanj River on the border with Afghanistan border. The group, numbering as many as 10,000 persons at one point, consisted of Northern Alliance combatants and their families fleeing Taliban advances in Afghanistan. When Taliban lines fell in Afghanistan in December, the fighters and some of the noncombatants departed the islands, leaving approximately 2,000 families who continued to live in semi-permanent housing structures and received international humanitarian aid from Tajikistan-based NGO's.

The Government denies official status to Afghan spouses of returning Tajik refugees. The UNHCR has aided the admission of such spouses to the country (avoiding their being jailed as illegal immigrants); however, their legal status remained uncertain. There were no cases during the year of Afghan spouses being denied residency by the Government.

In April the government announced on Dushanbe television that it would begin implementing a decree requiring Afghan refugees in Dushanbe to relocate to "predetermined" areas by the end of June. After protests by international organization and foreign governments, the decree was not implemented. This action was similar to the governments plan in 2000 for "Operation Foreigner," in which numerous Afghan refugees in Dushanbe were detained by security forces and reportedly slated for relocation to refugee camps elsewhere. This action also was cancelled after protests by UNHCR and others. As before, government officials continued to maintain that Dushanbe was still "off-limits" for refugees.

Members of the country's Afghan refugee population, sometimes regardless of social status or official connections, are singled out for mistreatment by law enforcement authorities (see Section 1.c.).

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for the right of citizens to change their Government peacefully and freely through elections of the President and members of Parliament; however, the Government restricted this right in practice. The country made little progress in its transition from a Soviet-model system to a more open and competitive one, and President Rahmonov and his inner circle from the Kulyab region continued to dominate the Government. The leadership of certain opposition parties reported threats and harassment by the authorities in their workplaces. In the past, there were reports that citizens often were pressured to join the People's Democratic Party of Tajikistan, the ruling party (see Section 1.f.).

The 1999 Presidential election was flawed seriously. A cumbersome registration process required candidates to obtain large numbers of signatures during a short period of time. Only President Rahmonov, who used his political apparatus throughout the country for this purpose, was able to do so by the deadline. Prospective opposition candidates complained that local, progovernment administrators prevented them from gathering signatures. Days before the election, an apparently arbitrary Supreme Court decision allowed one of the three aspiring opposition candidates, Economics and Foreign Economic Relations Minister Davlat Usmon of the Islamic Renaissance Party, to register. Although Usmon announced that he would boycott the election unless the other two opposition figures also were allowed to run, the Central Election Commission included his name on the ballot. President Rahmonov exercised a virtual monopoly over mass media access, and there were obvious irregularities in the operation of polling places, such as multiple voting by pro-Rahmonov supporters. The Government claimed that 98 percent of the electorate voted and that 96 percent of those voting supported Rahmonov; however, these claims lacked credibility.

President Rahmonov's highly centralized People's Democratic Party of Tajikistan controls an overwhelming majority of seats in both houses of Parliament. This fact, combined with a lack of democratic culture, results in a legislative branch that is not genuinely independent of the executive branch.

A joint mission of the U.N. and the OSCE observed the February 2000 parliamentary elections to the Lower House of the new bicameral national Parliament. This joint observation mission noted that there were improvements in the process compared to previous elections. Six parties, including two former segments of the disbanded UTO, were allowed to participate in the electoral process, and voters elected two members of an openly Islamic political party. However, the joint observation mission concluded that the elections failed to meet the minimum standards for equal, fair, free, secret, transparent, and accountable elections. State organs, particularly regional and local administration officials, interfered in the preparations for and conduct of the elections. At least one prospective independent candidate for the Lower House of Parliament was prevented from registering for apparently political reasons. While state television provided free broadcast time to parties competing in the election, it failed to provide balanced news and editorial coverage of the campaign. There were particular problems with the independence of election commissions and the conduct of the vote count and tabulation of results. Irregularities in a number of constituencies including proxy voting, unsealed ballot boxes, stuffed ballot boxes, votes added in favor of a particular party, lack of consistency between the sum of votes counted and the number of ballots issued, discrepancies between votes considered invalid during the count and the final result sheet, and blank copies of protocols signed before the counting of ballots and filled in with pencil during the count.

Local district assemblies elected the members of the upper house of the national Parliament in March 2000, in elections that were not held under international observation. Most observers and citizens believed that the large number of appointed and indirectly elected members of the upper house made the elections largely pointless and it was assumed that these elections would result in the distribution of political favors by the ruling party.

On May 27, Parliamentary by-elections took place in three districts: The city of Dushanbe and the regions of Khatalon and Sughd. Candidates from the Islamic Renaissance Party and Democratic party were not allowed to register, leaving the remaining candidates from the President's People's Democratic Party (in Sughd and Khatlon) and the Communist Party (in Dushanbe) to run unopposed. There were reports of the inflation of voter turnout and proxy voting in all three districts. After being denied the opportunity to register, the Islamic Revival Party and the Democratic chose to boycott participation in the government election commission during the by-elections.

The percentage of women in government or politics does not correspond to their percentage of the population, although there were no formal barriers to women's participation in the electoral process. In the parliamentary election campaign, only 17 out of the 365 registered candidates were female, and only 5 of the 17 were elected. There is one female Deputy Chairperson in each house of Parliament. The President has one female state advisor, and there is one female minister in the Government.

The percentage of ethnic Uzbeks in government or politics does not correspond to their percentage of the population.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups in general operate without government restriction, investigating and publishing their findings on human rights abuses; however, fear of harassment and abuse by government or paramilitary elements tended to discourage citizens from forming their own human rights organizations, although the Government did not block the registration of local NGO's addressing human rights. Several such organizations exist. The Government prevented some citizens, especially government officials, from participating in international and local seminars sponsored by the OSCE, the ICRC, U.N. agencies, NGO's, and foreign governments on such topics as the rule of law, an independent judiciary, and international humanitarian law. Discussion at such seminars, including those held in the country, frequently were critical of the Government. Government officials are somewhat responsive to the views of human rights groups.

The Government permits international NGO's to operate in the country on a regular basis.

The OSCE mission in Dushanbe continues to monitor human rights issues with the help of its five field offices; however, these field offices experienced varying levels of cooperation with local authorities. The ICRC also maintained a delegation in the country; however, the Government continued to refuse the ICRC unconditional access to prisons (see Section 1.c.).

Within the Parliament, the Committee on Legislation and Human Rights is charged with monitoring human rights violations; however, like the rest of the Parliament, it is not independent in practice. During the year, the Commission was not very active and issued no reports, apart from replies to complaints submitted by individual citizens. The Committee generally is regarded as an ineffective body, although it continued to

receive reports both from private citizens and from individual deputies.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides for the rights and freedoms of every person regardless of nationality, race, sex, language, religious beliefs, political persuasion, or social status and also explicitly states that men and women have the same rights; however, in practice there is some discrimination against women.

Women

Violence against women, including spousal abuse was a widespread problem. In both urban and rural areas, many cases of wife beating go unreported and many reported, cases were not investigated. There is a widespread reluctance to discuss the issue or provide assistance to women in abusive situations. In addition the abduction of young women, who are raped or forced to marry their abductors, is reported widely.

The Criminal Code prohibits rape, which is punishable by up to 20 years in prison; however, it is believed widely that most cases are unreported, and that the problem is growing, particularly in urban areas. The threat of rape often is used to intimidate women. There are no special police units for handling rape cases. There are no statistics on the number of rapists prosecuted, convicted, or punished each year. In one widely publicized case in 2000, Dilduza Nimonova, an alleged victim of rape was convicted, in a trial of questionable fairness, of having killed the man who raped her. She was forced to undergo an abortion (see Sections 1.e. and 1.f.).

There are many domestic and international NGO's that sponsor women's resource centers, which address the concerns of victims of rape and domestic abuse. However, the Government's funding of social programs has been cut, which affects the funding of such programs.

Prostitution is illegal; however, in practice prostitutes are not tried in court, but instead are given a cursory fine and released. Pimps and madams are prosecuted regularly. The law prohibits keeping brothels, procuring, making, or selling pornography, infecting another person with a venereal disease, and the sexual exploitation of women; however, prostitutes operate openly at night in certain urban areas.

Trafficking of women for the purposes of sexual exploitation and forced labor, was a serious problem (see Section 6.f.).

There have been reports that conservative Muslims in rural areas physically harassed women for not wearing traditional attire.

According to the law, women have equal rights with men; however, discrimination against women remained a problem.

Traditionally there has been a high level of female participation in the work force and in institutes of higher learning. There is no formal discrimination against women in employment, education, or housing; and in urban areas, women can be found employed throughout government, academic institutes, and enterprises. However, women face diminishing opportunities for education and rising poverty. Some women hold the same jobs as men, although not in equal numbers. Women legally are entitled to receive equal pay for equal work; however, this regulation is not always enforced in practice.

Articles in the Criminal Code protect women's rights in marriage and family matters; however, girls often are pressured to marry men that they do not choose themselves, and polygyny is increasingly common, although it is illegal. Divorce rates in urban areas comparatively are high, and women tend to carry the burden of child-rearing and household management, whether married or divorced. Women are provided 3 years of maternity leave and monthly subsidies for each child. In rural areas, women tend to marry younger, have larger families, and receive less university education than women in cities do. In rural and traditional areas, women receive less education in general, often leaving school after the eighth year. Due to the prevalence of large families, women in rural areas also are much less likely to work outside the home. Inheritance laws do not discriminate against women; however, in practice some inheritances pass disproportionately to sons.

Children

The Government is committed to children's rights and welfare; however, due to a lack of financial resources the Government has been unable to fulfill its commitment and the government's social security network for

child welfare has deteriorated. Education is compulsory until age 16; however, the law is not enforced. Public education is intended to be free and universal; however, a lack of resources has caused the public school system to deteriorate to the point at which it barely functions. Parents who can afford to do so send their children to private schools, or join together in groups that hire teachers to give their children lessons for a fee. While most children are enrolled in school up to the completion of the secondary level, actual attendance is estimated to be lower because of the need to supplement family income by working in the home or in informal activities (see Section 6.d.). A significant number of school-age children--as many as one in eight, according to World Bank data--work instead of attending school. The old Soviet practice, which is illegal, of closing high schools at cotton harvest time and putting the students to work in the field continued in some areas (see Section 6.c.).

Health care is free, although the quality and quantity of medical services available has declined significantly since the Soviet era. It is estimated that one child in three is malnourished in the country. The Government has acknowledged that malnourishment is a severe problem, and they were working with international humanitarian organizations to address the problem.

There is no societal pattern of abuse of children.

Trafficking of children was a problem (see Section 6.f.).

Child labor was a problem (see Section 6.d.).

On November 28, the third Tajik Youth forum "Youth in Development" initiated by the governmental Tajik youth committee was held. The conference was held as a follow up to the national conference on child protection.

Persons with Disabilities

The law stipulates the right of persons with disabilities to employment and adequate medical care; however, in practice the Government does not require employers to provide physical access for persons with disabilities. Persons with disabilities suffer from high unemployment and widespread discrimination as a result of financial constraints and the absence of basic technology to assist.

There is no law mandating accessibility for persons with disabilities. There are facilities for persons with disabilities; however, funding is limited and the facilities are in poor condition. Several international NGO's provided limited assistance to persons with disabilities.

Religious Minorities

Some Muslim leaders occasionally have expressed concern that minority religious groups undermine national unity. Baha'i and Hare Krishna groups experience limited discrimination.

In August two Dushanbe Islamic Institute students were executed in connection with the October 2000 bombing of a Protestant church in Dushanbe (see Section 1.a.). A third student suspected in the case escaped and was not rearrested. The students confessed to the bombing and said that their motive was religious; however, they were not known to have any ties with extremist groups.

In December 2000, the Svyato-Nikolskii Russian Orthodox Church and a Seventh Day Adventist Church in Dushanbe were bombed. There were no injuries at either church, both of which were closed at the time. Government law enforcement and security agencies were investigating the bombings, but no progress was made by year's end.

Although the vast majority of citizens consider themselves Muslim, there is a significant fear of Islamic fundamentalism among much of the population.

National/Racial/Ethnic Minorities

Ethnic Uzbeks make up approximately a quarter of the population. The number of Uzbek language newspapers, television broadcasts, and schools has declined significantly since 1992. With the exception of the trilingual (Tajik/Uzbek/Russian) school structure, the Uzbek language has no official status.

In practice Russian is the language of interethnic communication and is used widely in government. Ethnic

Russians and other Russian speakers, for example, Ukrainians, make up less than 2 percent of the population. While the Government repeatedly has expressed its desire for the ethnic Russian and Slavic populations to remain, economic conditions provide little incentive for them to do so, and some local Russians and other Slavs perceived an increase in negative social attitudes toward them. A Slavic university and a Russian high school operate in Dushanbe with Russian as the language of instruction, but also include ethnic Tajik and Uzbek students. In 2000 a similar university opened in Khujand. An agreement ratified by the Russian Duma in December 1996 allows for dual Russian and Tajik citizenship.

Tensions persisted between ethnic Uzbeks and Tajiks in some areas. Since the signing of the peace treaty in 1997, there have been multiple killings of ethnic Uzbeks in the Panj district; however, there were no such reports of killings during the year. Some of these cases appeared to be a matter of retaliation by returned ethnic Tajik refugees for injuries done to them by ethnic Uzbeks during the civil war. As a result of these attacks, some ethnic Uzbek families have moved to other locations in the district where Uzbeks predominate or to neighboring countries that formerly were part of the Soviet Union. Government officials have organized meetings at the local level to resolve conflicts.

Section 6 Worker Rights

a. The Right of Association

The law provides all citizens with the right of association, including the right to form and join associations without prior authorization, to organize territorially, and to form and join federations. According to official figures, approximately 90 percent of the labor force was organized. The Federation of Trade Unions remained the dominant labor organization. The Federation consists of 19 professional trade unions and claims 1.5 million members, virtually all nonagricultural workers. The separate, independent Trade Union of Non-State Enterprises has registered unions in more than 3,000 small and medium-sized enterprises, totaling approximately 30,000 employees (according to 1998 figures). Many of the enterprises in which these two organizations nominally are present are not functioning because of the general economic crisis, and the membership of both has declined as a result. The Council of Ministers formally consults both organizations during the drafting of social welfare and worker rights legislation.

The law mandates arbitration before a union legally may call a strike. Depending on the scale of the labor disagreement, arbitration may take place at the company, sectoral, or governmental level. In the event that arbitration fails, unions have the right to strike, but both labor unions have disavowed publicly the utility of strikes in a period of deepening economic crisis and high unemployment, and have advocated compromises between management and workers. There were no official, union-sanctioned strikes, nor were there any wildcat strikes during the year.

The law provides citizens, but not unions, with the right to affiliate freely with international organizations, including international labor organizations. It does not prohibit unions from affiliating with international organizations; however, there are no unions with international affiliations.

b. The Right to Organize and Bargain Collectively

Various laws provide for the right to organize and bargain collectively. Employees, members of the trade unions, and management participate in collective bargaining at the company level. Negotiations involving an industrial sector include officials from the relevant ministry and members of the union's steering committee for that particular sector. As the economic situation worsens, it increasingly is difficult for enterprises to engage in effective collective bargaining.

The law prohibits antiunion discrimination, the use of sanctions to dissuade union membership, and the firing of a worker solely for union activity. Any complaints of discrimination against a labor union or labor union activist are considered first by a local labor union committee and, if necessary, raised to the level of the Supreme Court and investigated by the Ministry of Justice. The law compels an employer found guilty of firing an employee based on union activity to reinstate the employee.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced labor, except in cases defined in the law; however, forced labor occurred in some cases. Neither the Law on Labor Protection nor the Law on Employment, both of which predate the existing Constitution, specifically prohibits forced or compulsory labor; the Constitution supercedes national

laws. Although the practice was banned, university and secondary school students regularly are compelled to participate in the cotton harvest. Residents of state or collective farms still may be required to pick cotton, although wages usually are not paid and these institutions no longer provide the services they once did. Trafficking in persons, particularly women, was a problem (see Section 6.f.).

The law does not specifically prohibit forced or bonded labor by children; however, trafficking in children was a problem (see Section 6.f.). In addition children traditionally participate in family agricultural or home craftsman work.

d. Status of Child Labor Practices and Minimum Age for Employment

According to labor laws, the minimum age for the employment of children is 16 years of age, the age at which children also may leave school legally (see Section 5). With the concurrence of the local trade union, employment may begin at the age of 15. By law workers under the age of 18 may work no more than 6 hours a day and 36 hours per week. However, children as young as 7 years of age may perform household-based labor and participate in agricultural work, which is classified as family assistance. As many as one in eight school age children work instead of attending school (see Section 5). Many children under 10 years of age work in the bazaars or sell newspapers or consumables on the street. Trade unions are responsible for reporting any violations in the employment of minors. Cases not resolved between the union and the employer may be brought before the Procurator General, who may investigate and charge the manager of the enterprise with violations of the Labor Code.

The Government lacks the resources and ability to regulate effectively acceptable working conditions for youths and adults, and there were no governmental or judicial initiatives to strengthen or enforce child labor legislation or regulations during the year.

The Government does not have a comprehensive policy for the elimination of the worst forms of child labor. The Government has not signed ILO Convention 182 on the Worst Forms of Child Labor.

The law prohibits forced or bonded labor by children; however, trafficking in girls was a problem (see Section 6.f.).

e. Acceptable Conditions of Work

The President, on the advice of the Ministry of Labor and in consultation with trade unions, sets the minimum monthly wage, which officially was \$1.60 (4 Somoni). The minimum wage does not provide a decent standard of living for a worker and family. The Government has recognized this problem and has retained certain subsidies for workers and their families at the minimum wage. Although slightly improved, the economy remained extremely weak during the year, with a majority of industrial operations standing idle. As factories and enterprises either remained closed or were shut down, workers were laid off or furloughed for extended periods. Some establishments, both governmental and private, compensated their employees in kind with food commodities or with the products produced by the enterprise, which the employee can sell or barter in local private markets.

The legal workweek for adults (over age 18) is 40 hours. Overtime payment is mandated by law, with the first 2 hours of overtime to be paid at 1.5 times the normal rate and the rest of the overtime hours paid at double the rate. Payment of overtime is inconsistent in all sectors.

The Government has established occupational health and safety standards, but these fall far below accepted international norms, and the Government does not enforce them in practice. The enforcement of work standards is the responsibility of the State Technical Supervision Committee under the Council of Ministers. While new statistics were not available, it virtually is certain, given the continuing economic decline, that 1993 statistics, which reported that over one-fifth of the population worked under substandard conditions, greatly underestimates the number that worked under those conditions during the year. Workers may leave their jobs with 2 months' notice; however, given the poor employment situation, few choose to do so. The law provides that workers can remove themselves from hazardous conditions without risking loss of employment; however, due to the poor prospects for finding another job, few do so.

Foreign workers are protected under the labor laws.

f. Trafficking in Persons

The Law does not prohibit specifically trafficking in persons, and it was a significant problem. There were reports that low-level government officials and border guards are tolerant of, if not involved in, trafficking of persons. Tajikistan is a country of origin, and possibly (and to a lesser extent) a country of transit for trafficked persons, primarily women. Ministry of Security figures based on records of crimes and deportations contain more than 900 cases of women prior to 2000 that may have been victims of trafficking. A report by the Tajikistan Mission of the International Organization for Migration (IOM) issued during the year, estimated that more than 1,000 women were trafficked from the country during 2000. Victims come primarily from Khojand or Dushanbe, and most commonly are trafficked to the Middle East, including the United Arab Emirates (UAE), Russia, other former Soviet Union countries, Turkey, and Iran. There also may be trafficking of Afghan women through the country to these destinations. The majority of victims are female, ethnically Tajik, single, aged 20 to 26, usually with at least one child (the children typically come under the care of extended family), and are new arrivals to Dushanbe or Khojand from a rural upbringing with little education. Ethnic minorities are overrepresented among victims, particularly those of Slavic origin.

There were reports of trafficking in children who are used as drug couriers, and the trafficking of children for the removal of organs also was reported.

Victims commonly are recruited through false promises of employment or business trips abroad in order to purchase items for resale in Tajikistan. "Advertising" often is done through social contacts, because traffickers employ their local status and prestige to help recruit victims. There also are cases of false weddings and, more rarely, kidnappings (usually in rural areas). Traffickers generally transport victims by air to the Middle East and by train to Russia and other former Soviet Union countries. Traffickers tightly control arrangements for travel and lodging, and employ wide contacts among tourism agencies. They also may employ document falsification services in order to escape restrictions such as those in the UAE, where a woman under 31 may not enter the country unaccompanied by her parents or spouse. Victims commonly are not separated from their travel documents until arrival in the destination country. Debt bondage is a common form of control. In the case of at least one respondent interviewed by the IOM, after her escape from forced prostitution, her trafficker blackmailed her with videotapes of her previous "occupation." The victim killed her trafficker and was serving a prison sentence.

Victims of trafficking face psychological stress, social ostracism, blackmail, and extortion, and in certain cases, physical abuse. In at least one reported case, a woman was kidnapped and forced into prostitution through forced injections of narcotics; the victim then became addicted and continued engaging in prostitution in order to obtain drugs.

Traffickers include individuals who rose to positions of power and wealth as field commanders during the Tajik civil war, the so-called "warlords." Others are extremely powerful local figures who use their wealth to cultivate patron-client relationships throughout their community; this creates a network that communicates supply and demand for trafficking victims. A number of prominent traffickers are women.

Corruption is endemic in the country and reports indicated that low-level government authorities working in customs, border control, immigration, police, and tourism received bribes from traffickers. Further, there is reason to believe that certain figures in the Government act as patrons or protectors of individuals who are involved directly in trafficking. However, there is no indication of widespread institutional involvement in trafficking by the Government.

There is no law specifically prohibiting trafficking in persons. Traffickers may be prosecuted under laws prohibiting exploitation of prostitution, rape, kidnapping, buying and selling of minors, illegal limitations on arrival and departure in and out of the country, document fraud, and immigration violations. The penalties for these offenses are in most cases fines or imprisonment of up to 3 years, though certain immigration violations carry a sentence of up to 10 years, and rape is punishable by up to 20 years in prison. There have been no reported prosecutions for trafficking in persons.

There is no government agency responsible for combating trafficking. The IOM reports that the Ministry of Security has taken some interest in the problem of trafficking and was collecting data on potential cases of cross-border trafficking. The Ministry of the Interior is charged formally with investigating cases of prostitution, although it has not yet begun to prosecute suspected cases of trafficking in persons.

There are no government programs aimed at preventing trafficking as a result of the government's unwillingness to publicly acknowledge the problem. The Government has not prosecuted any reported victims of trafficking. There are few resources available to victims of trafficking, and none from the Government. Blackmail is employed commonly in the country's conservative society-nearly half of the trafficked women in IOM's survey reported extortion by local officials upon return to the country. Victims usually do not pursue legal recourse against traffickers due to the social stigma attached to the problem.

Some NGO's involved in social services and gender issues offer services potentially for trafficking victims. The NGO "Women Scientists" runs a crisis center for abused women, which provides services to trafficked women as well. Some NGO programs intended to increase awareness of trafficking exist, with support from international organizations. One such program in 2000 held seminars in Dushanbe, Khojand, and Qhurganteppa for journalists, lawyers, and law enforcement officials.